

REMARKS

I. Status of Claims

Claims 8-11, 13 and 15-20 are pending in this application, the independent claims being claims 8, 13 and 15. By this Amendment, claims 1-7, 12 and 14 are cancelled, claims 8-11, 13 and 15 are amended, and claims 16-20 are newly presented.

II. Summary of Office Action

In the Office Action, claims 1-4 and 8-15 were rejected under 35 U.S.C. §103(a), as unpatentable over U.S. Patent No. 6,297,870 (Nanba) in view of U.S. Patent No. 6,788,322 (Cook), and claims 5-7 were rejected under 35 U.S.C. §103(a), as unpatentable over the Nanba '870 and the Cook '322 patent, further in view of U.S. Patent No. 6,638,325 (Steinberg et al.).

Reconsideration and withdrawal of the rejections respectfully are requested in view of the above amendments and the following remarks.

III. Cancelled Claims

Without conceding the propriety of the rejections, and solely to advance prosecution of the subject application to issue, claims 1-7, 12 and 14 are cancelled herein without prejudice to or disclaimer of the subject matter recited therein.

IV. Amended Claims

Without conceding the propriety of the rejection, claims 8-11, 13 and 15 have been amended herein more clearly to recite various aspects of the claimed invention. Support for the proposed amendments may be found in the original application. No new matter has been added.

V. Newly Presented Claims

Newly presented claims 16-20 have been added to provide Applicants with an additional scope of protection commensurate with the disclosure. No new matter has been added.

VI. Response to Outstanding Rejection

The rejection of Claims 8-15 over the cited art respectfully is traversed. The present invention relates to a novel image-capturing device and electronic camera. Independent claims 8, 13 and 15 relate to three aspects of the present invention.

A. Claimed Invention

In one aspect, as now recited in independent claim 8, the image-capturing device comprises an image sensor that captures a subject image and generates image data, a memory that stores the image data, and an image storage control unit that transfers the image data stored in the memory to an external device via a communication circuit capable of communicating with the external device to store the image data stored in the memory in the external device, and keeps the image data within the image-capturing device if the external device is substantially unusable.

In another aspect, independent claim 15 recites similar features with respect to an electronic camera.

In each of these aspects (claims 8 and 15), the image storage control unit (1) transfers the image data stored in the memory to an external device, or (2) keeps the image data stored in the memory of the image-capturing device (electronic camera) within the image-capturing device (electronic camera) if the external device is substantially unusable. This provides a significant advantage over prior art systems in that it effectively utilizes internal and external memory.

In another aspect, as now recited in independent claim 13, the image-capturing device comprises an image sensor that captures a subject image and generates image data, a connection unit that electrically and detachably connects either a portable memory or a wireless communication circuit capable of wirelessly communicating with an external device to a main body of the image-capturing device, and an image storage control unit. The image storage control unit stores the image data in the portable memory if the portable memory is connected at the connection unit, and transfers the image data to the external device via the wireless communication circuit if the wireless communication circuit is connected at the connection unit.

In this aspect (claim 13), the connection unit is capable of being connected to either a portable memory or a wireless communication circuit, and the image storage control unit stores image data captured by the image sensor in either the portable memory or in an external device via the wireless communication circuit connected to the connection unit. This provides a significant advantage over prior art systems in that it increases options in an efficient, portable, image-capturing device.

B. Prior Art Distinguished

The prior art fails to anticipate the claimed invention. Moreover, Applicants submit there are differences between the subject matter sought to be patented and the prior art, such that the subject matter taken as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

The Nanba '870 patent relates to a photographing apparatus, method for recording an image by the photographing apparatus, and method for reproducing an image by the photographing apparatus. The Nanba '870 patent discloses a system including a photographing apparatus (camera) that can transfer an image to an image processing apparatus (PC) with a first recording medium (hard disk HD), or to a second recording

medium (memory card 8) detachably provided to the photographing apparatus. The Namba '870 patent photographing apparatus (camera) system further includes a USB connection for communicating with the PC.

The Namba '870 patent photographing method includes steps for performing the following three photographing operation options:

1. If a memory card 8 is installed ('YES' in Step S2), and the memory card 8 has sufficient remaining capacity ('YES' in Step S4), then *normal photographing operation* is performed and the image is stored in the memory card 8 and displayed on display 10 (Step S9).
2. If no memory card is installed ('NO' in Step S2), or if an installed memory card 8 does not have sufficient remaining capacity ('NO' in Step S4), then a normal photographing operation is not performed. Rather, the PC is called (Step S10) and, if the PC is ready ('YES' in Step S1001 and Step S11), the digital camera starts photographing and the image is stored in the PC.
3. During the 'non-normal photographing operation', if the camera calls the PC (Step S10) and does not receive a ready signal ('NO' in Step S11), then the PC is regarded as not connected to the camera ('unavailable to record due to busy state') and 'the process terminates'; that is, no photographing operation is performed.

Nowhere is the Namba '870 patent understood to disclose or suggest a system/image-capturing device including an image storage control unit that (1) transfers the image data stored in a memory to an external device, and (2) keeps the image data stored in the memory of the image-capturing device (electronic camera) within the image-capturing device (electronic camera) if the external device is substantially unusable, as disclosed and claimed in the present application (claims 8 and 15).

Nor does the Namba '870 patent disclose or suggest the features of an image-capturing device including a connection unit capable of being connected to either a portable memory or a wireless communication circuit, and an image storage control unit that stores image data captured by the image sensor in either the portable memory or in an external device via the wireless communication circuit connected to the connection unit, as disclosed and claimed in the present application (claim 13).

In particular, as acknowledged by the Examiner, the Namba '870 patent fails to disclose or suggest the feature of wireless communication.

The Cook '332 patent relates to a wireless imaging device and system, and was cited for its disclosure of a portable device having an image capturing device and a transceiver for transmitting captured image data by wireless communication.

The Cook '332 patent describes a hand-held, portable device for capturing and communicating digital images. The portable device includes a camera (11) having an image sensor (14), a microprocessor (18), a memory (20), and a wireless transceiver (22) having a transmitter operable with the digital camera for transmitting a digital image over a wireless communications link. The memory (20) may be a fixed memory (e.g., a hard drive) or a portable memory (e.g., a flash card, tape, etc.). The Cook '332 patent further discloses a system including two such hand-held, portable devices operable together, and states that performance of the wireless communication of image data can be autonomous, according to a prescribed schedule, or at the option of a user (col. 2, lines 43-52).

However, Applicants submit that the Cook '332 patent fails to disclose or suggest at least the above-described features of the claimed invention. Nowhere is the Cook '332 patent understood to disclose or suggest the feature of an image storage control unit that (1) transfers the image data stored in a memory to an external device, and (2) keeps the image data stored in the memory of the image-capturing device (electronic camera) within the image-capturing

device (electronic camera) if the external device is substantially unusable, as disclosed and claimed in the present application (claims 8 and 15).

Nor does the Cook '332 patent disclose or suggest the features of an image-capturing device including a connection unit capable of being connected to either a portable memory or a wireless communication circuit, and an image storage control unit that stores image data captured by the image sensor in either the portable memory or in an external device via the wireless communication circuit connected to the connection unit, as disclosed and claimed in the present application (claim 13).

Nor is the Cook '332 patent believed to add anything to the Nanba '870 patent that would make obvious these features of the claimed invention.

For the above reasons, Applicants submit independent claims 8, 13 and 15 are allowable over the prior art.

Claims 9-11 and 16-20 depend from independent claims 8 and 15, and are believed allowable for the same reasons. Moreover, each of these dependent claims recites additional features in combination with the features of its respective base claim, and is believed allowable in its own right. Individual consideration of the dependent claims respectfully is requested.

VII. Conclusion

Applicants believe the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and respectfully submit that this application is in condition for allowance. Reconsideration of the claims and passage to issue of the subject application at the Examiner's earliest convenience earnestly are solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Mario A. Costantino
Registration No. 33,565

Christopher Philip Wrist
Registration No. 32,078

MAC:CPW/ldg

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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